

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

TRANSAMERICA LIFE INSURANCE	)	
COMPANY	)	
	)	
Plaintiff,	)	
	)	C.A. No. 09-471/S
v.	)	
	)	
JOSEPH CARAMADRE, RAYMOUR	)	
RADHAKRISHNAN, ESTATE PLANNING	)	
RESOURCES, INC., ESTELLA RODRIGUES,	)	
EDWARD MAGGIACOMO, JR.,	)	
LIFEMARK SECURITIES CORP. and	)	
PATRICK GARVEY,	)	
Defendants.	)	

**PLAINTIFF'S MOTION FOR A STANDING ORDER REGARDING FILING AND  
SERVICE OF REDACTED DOCUMENTS**

Transamerica Life Insurance Company ("Transamerica") moves for the entry of an order concerning the filing and service of redacted documents.

Transamerica files herewith a supporting memorandum of law, but does not request hearing on this motion.

Respectfully submitted,

/s/ Michael J. Daly  
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Dated: December 23, 2009

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	)	C.A. No. 09-471/S
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LIFEMARK SECURITIES CORP. and	)	
PATRICK GARVEY,	)	
Defendants.	)	

**MEMORANDUM IN SUPPORT OF PLAINTIFF’S MOTION FOR A STANDING  
ORDER REGARDING FILING AND SERVICE OF REDACTED DOCUMENTS**

Transamerica Life Insurance Company (“Transamerica”) moves for the entry of a standing order concerning the filing and service of redacted documents in this case. For various reasons, many defendants in this case have filed documents under seal and in redacted form. Consistently, however, unredacted forms of documents filed in this manner have not been served to all parties. To remedy this problem, Transamerica respectfully submits that it is appropriate for the Court to impose an order outlining the procedures for filing and serving of redacted documents.

Local Rule Gen 102 outlines two mechanisms for maintaining confidentiality in documents filed with the Court. First, a document that is inherently confidential may be filed under seal, with leave of Court. LR Gen 102(a)(1). Second, if only a portion of a document contains confidential information, the document may be filed in redacted form. *Id.* at (a)(3).

Although the local rules differentiate between sealed and redacted documents, the mechanisms for filing redacted documents are not clearly delineated. Unlike sealed documents,

which may not be filed without Court authorization, *id.* at (a)(1), the local rules do not specify that a party must get Court permission to file redacted documents. LR Gen 102(a)(3), however, provides that “the party or counsel requesting sealing shall file both an unredacted version of the document and a redacted version that excises the confidential information.” The import of this rule is not clear. The requirement that the party “requesting sealing” file redacted and unredacted versions of a document conflates the concepts of sealing and redacting.

To account for the fact that there may be occasions when redactions (as opposed to wholesale sealing) may alleviate confidentiality concerns, Transamerica respectfully submits that the Local Rules authorize parties to file redacted documents without first obtaining court permission. This interpretation is supported by the fact that the rules differentiate between sealed and redacted documents, but specifically refer only to the filing of a motion to seal. *See* LR Gen 102. The procedural distinction is logical because, unlike sealed documents, a redacted document shows the extent of the redactions and the public is able to access the remainder. To the extent third parties seek access to redacted portions of a document, they can seek appropriate relief from the Court.

Regardless of how redacted documents are filed, it is imperative that all parties to the case receive the same unredacted copies that are required to be submitted to the Court pursuant to LR Gen 102(a)(3). It is inherently unfair to permit a party to seek relief from the Court based on arguments and information that are not disclosed to all parties. To the extent a filing party seeks to limit disclosure of the unredacted material to third parties, it may be appropriate to seek a reasonable protective order. Otherwise, however, concerns about dissemination of information do not justify the use of secretive evidence and *ex parte* arguments to advance a party’s case.

For the reasons set forth herein, Transamerica respectfully requests that the Court enter an order:

1) confirming that if only a portion of a document contains confidential information, a redacted form of the document may be electronically filed without first obtaining leave of court; and

2) directing that all redacted and sealed documents that have been, or may be, filed in connection with this case be served in unredacted form on all parties who have appeared.

Respectfully submitted,

/s/ Michael J. Daly  
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Dated: December 23, 2009

### **CERTIFICATE OF SERVICE**

This document was electronically filed with the Clerk of the Court on December 23, 2009, and is available for viewing and downloading from the Court's ECF system. Service of all counsel of record has been effectuated by electronic means.

/s/ Michael J. Daly